

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

	X	
	X	
The Authors Guild, Inc., <i>et al.</i> ,	X	
	X	
Plaintiffs,	X	
	X	
v.	X	Case No. 05 CV 8136 JES
	X	
Google Inc.,	X	
	X	<u>NOTICE OF MOTION</u>
Defendant.	X	<u>FOR DISCOVERY</u>
	X	

**MOTION TO TAKE DISCOVERY OF PUTATIVE
CLASS REPRESENTATIVES AND DEFENDANT GOOGLE INC.**

Putative class members Harold Bloom, et al. (the “Bloom Objectors”) move this Court for an order directing putative class representatives and Defendant Google Inc. to respond to the attached discovery requests, which conform to Federal Rules of Civil Procedure 26 through 37. These requests are narrowly tailored and flow directly from the Bloom Objectors concurrently filed objections to the proposed class action settlement. *See Heerwagen v. Clear Channel Communications*, 435 F.3d 219, 233-34 (2d Cir. 2006) (“Discovery on the prerequisites of Rule 23 is plainly appropriate, and in some cases necessary”) (internal citation omitted), *overruled on other grounds by Miles v. Merrill Lynch & Co., (In re Initial Pub. Offerings Sec. Litig.)*, 471 F.3d 24 (2d Cir. 2006), *as recognized in Teamsters Local 445 Freight Div. Pension Fund v. Bombardier Inc.*, 546 F.3d 196 (2d Cir. 2008); *see also In re Domestic Air Transp. Antitrust Litig.*, 144 F.R.D. 421, 424-25 (N.D. Ga. 1992) (granting objectors’ discovery request that focused on the fairness and value of the proposed settlement).

Respectfully submitted,

s/ Michael J. Guzman

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September 8, 2009

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on September 8, 2009. Any other counsel of record will be served via electronic and first class mail.

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